IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

Bail Appl..No. 4900 of 2007()

CRIME NO. 71/04 OF CBCID, KOTTAYAM

PETITIONER/ACCUSED

M.V.PARAMESWARAN NAIR, TERMINAL MANAGER, COCHIN OFFICE, CONTAINER CORPORATION OF INDIA LIMITED, W.ISLAND, COCHIN-9.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS: RESPONDENTS

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1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI.

2. THE C.B.C.I.D. REPRESENTED BY THE SUPERINTENDENT, C.B.C.I.D., KOTTAYAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4900 of 2007

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Dated this the 20th day of August, 2007

O R D E R

Application for anticipatory bail. The petitioner is the seventh accused. He has been arrayed as an accused in a crime registered, inter alia, under Sections 420, 468 and 471 I.P.C. etc. The crux of the allegations is that certain delivery notes issued to one Catherene by the Sales tax Authorities were misutilised by the 6th accused and accused 1 and 2 for the illicit transportation of rubber through Accused 3 to 5. What precisely is the allegations against the petitioner/A7? The learned counsel for the petitioner submits that even according to the prosecution the precise role of the petitioner has got to be ascertained in future. He is the Terminal Manager of the Container Corporation of India. The delivery notes in question were used to consign articles through the Container Corporation to various destinations. The petitioner, as an officer of the Container Corporation, has received the consignments and discharged his official duties in respect of such consignments. Those consignments were brought under the delivery notes in question.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He has not done anything which would reveal any contumacious or culpable intention on his part, so far as the Investigators have not been able to raise any specific allegation against the petitioner. Except that he had received he consignments covered by the delivery notes in question, no specific allegation has been raised against him at all. The petitioner shall co-operate with the Investigators. It is unnecessary to arrest and keep the petitioner under detention even before any specific allegation is made about the culpable role played by the petitioner in the misutilisation of the delivery notes, submits counsel.

3. The learned Prosecutor does not oppose the application, but submits that the higher officials of the Container Corporation have to be questioned to verify the role of the petitioner and to ascertain whether he has acted in violation of the duties cast on him as such official. I am satisfied in the circumstances, to which I have made brief reference above, that the petitioner can be granted anticipatory bail. Appropriate conditions can, of course, be imposed which shall ensure a fair, efficient and expeditious investigation.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 30.8.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 31.8.2007 and 1.9.2007 and thereafter as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 30.8.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 30.8.2007 as directed in clause (1) above, he shall be released on bail on his executing

a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 30.8.2007.

(R. BASANT)
Judge

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